MEETING WITH LAREDO COMMUNITY LEADERS
October 19, 2021

ATTENDANCE: HQ OEJ: Matt Tejada; R6 OEJ: Olivia Balandran, Gerardo Acosta, Gloria Vaughn; Community: Council Member Vanessa Perez, Laredo, TX; Tricia Cortez, Executive Director and Melissa Cigarroa, President, both of the Rio Grande International Study Center (RGISC)

TOPIC OF DISCUSSION: Air emission concerns mentioned in October 14 letter from RGISC addressed to Matt Tejada, Jeff Goffman, and David Gray.

KEY ISSUES DISCUSSED/QUESTIONS ASKED

Below are questions asked during meeting as captured and forwarded on 10/20 by Madeline Beal to HQ Offices for responses; responses were provided on 10/25:

1. As pertains to the list of sterilizers that were newly required to report to TRI under the recent announcement: The Midwest facility in Laredo was not included. Is it true that the Laredo facility is not required to report to TRI? If so, can we get a little more clarity on how specifically they are not in the required bucket?

By law, only certain industries and certain facilities are required to report to EPA's Toxics Release Inventory. According to the 2017 NAICS Manual, facilities that primarily engage in contract sterilization fall under NAICS code 561910 ("Product sterilization and packaging services"), which isn't covered by TRI reporting criteria. Any facility not covered by all TRI reporting criteria is not required to report. However, Midwest Sterilization Corp in Laredo classifies itself as a "Surgical Appliance and Supplies Manufacturing" facility (NAICS 339113), which *is* a NAICS code regulated by TRI. The facility has reported to TRI for more than a decade and will continue to be required to report as long as it meets all reporting criteria.
As you noted, EPA did not include this facility in its recent announcement that it is considering requiring 31 facilities to report EtO releases to the TRI. EPA only included on this list facilities **which do not currently report** to TRI. The Laredo facility **does** report, so it was not included on this list.

2. As pertains to the pesticide review, the Council Member brought up issues not about the type of thing EtO is used (ie spices vs medical) but rather about how it is used to sterilize that medical equipment. She was specifically asking about the degree of customization that Midwest is providing to its customers in the form of specialized little packets where dentists or doctors can request the exact tools in individualized packets down to the level of what color gloves and masks they prefer. Her point, which I hadn't quite heard made before, was that they could probably achieve the same throughput of equipment sterilization with a lot less EtO if they weren't using a business model where they charge a premium for these specialized packets. I understand from OCSPP that you are looking at different types of uses and whether all are justified, but I don't know if that extends to include this sort of question not about what is sterilized but about how it is done and whether or not efficient use of EtO is considered in the how.

EPA is working with the Food and Drug Administration to regulate the ways medical devices can be sterilized using EtO, including issues surrounding the efficient use of EtO in sterilization. EPA will propose detailed measures to mitigate the risks to human health and the environment created by EtO's use as a sterilant in its [HYPERLINK "https://www.epa.gov/ingredients-used-pesticide-products/ethylene-oxide-eto"].

3. (OAR/OCSPP) They had previously talked to the facility and have been told that the company was developing a new proprietary control system that will likely be significantly reducing their EtO emissions. To the women we spoke with, this sounded like a magic asterisk in which the company was going to say they are no longer creating a risk and that there would be no oversight because they are saying it is proprietary. If we can give any clarity on how we verify the effectiveness of controls or emissions, I believe it could be helpful, though I know part of that answer is with the state and that may not reassure them given Texas' stance on this issue.

EPA does not have the authority to independently monitor the releases of specific facilities as part of the TRI program.
EPA engages in data quality checks on reported TRI data. EPA's [HYPERLINK "https://www.epa.gov/toxics-release-inventory-tri-program/tri-compliance-and-enforcement" \t "_blank"] may also conduct inspections or off-site record reviews to verify reported release estimates. If found in noncompliance, a facility may be subject to penalties.
Further, even if a facility installs systems that reduce their emissions, it will not change their TRI reporting obligations, as the TRI reporting threshold is based on how much of a TRI chemical is manufactured, processed, or otherwise used, not on how much is released.

ACTION ITEMS

1) Follow up on Issues/Questions raised.
2) Respond to RGISC letter.
3) Figure out what next meeting/steps look like.

NEXT STEPS

Matt Tejada wrapped up meeting. Asked attendees to give EPA some time to review and decide on next steps; he stated that more than likely Region 6 will coordinate next steps. He indicated we would figure out what next meeting looks like.

Olivia indicated in the meantime R6 would work with HQs and respond to their letter sent to both the Region and HQ.

Meeting participants agreed on next steps.